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STATUTORY INSTRUMENTS

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**1981 No. 608**

**The Planning Blight (Compensation)  
(Northern Ireland) Order 1981**

*Introductory*

**Title and commencement**

1. This Order may be cited as the Planning Blight (Compensation) (Northern Ireland) Order 1981 and shall come into operation on the expiration of one month from the day on which it is made.

**Interpretation**

2.—(1) The Interpretation Act (Northern Ireland) 1954<sup>F1</sup> shall apply to Article 1 and the following provisions of this Order as it applies to a Measure of the Northern Ireland Assembly.

(2) In this Order—

“Act” includes an Act of the Parliament of the United Kingdom and a Measure of the Northern Ireland Assembly;

<sup>F2</sup>“the Act of 1971” means the Planning and Land Compensation Act (Northern Ireland) 1971;

“the affected area”, in relation to an agricultural unit, means so much of that unit as, on the date of service of a blight notice, consists of land falling within any of the specific descriptions;

“agriculture” includes horticulture, fruit growing, seed growing, dairy farming and livestock breeding and keeping, the use of land as grazing land, meadow land, market gardens and nursery grounds, and the use of land for woodlands where that use is ancillary to the farming of land for other agricultural purposes;

“agricultural unit” means land which is occupied as a unit for agricultural purposes, including any dwelling-house or other building occupied by the same person for the purpose of farming the land;

<sup>F3</sup> .....

“appropriate authority”, in relation to any land, means the government department, district council or other body<sup>F4</sup> or person] by which, by virtue of the circumstances described in Article 3, the land is liable to be acquired as mentioned in that Article or is indicated as being proposed to be so acquired;

“authority possessing compulsory acquisition powers” means a person with power to acquire an interest in land otherwise than by agreement;

“blight notice” means a notice served under Article<sup>F5</sup> 12 or 14 which has not been withdrawn];

<sup>F6</sup> “ capital value ” means capital value for the purposes of the Rates (Northern Ireland) Order 1977 and shall be construed in accordance with Article 39 of that Order; ]

“the claimant” in relation to a blight notice means the person who served that notice and any reference to the interest of the claimant in relation to such a notice is a reference to the interest which the notice requires the appropriate authority to purchase as mentioned in Article 5 or 14;

“the Department” means the Department of the Environment;

“hereditament” (subject to paragraphs (3) and (4)) means the aggregate of the land which forms the subject of a single entry in [<sup>F7</sup>a valuation list] for the time being in force;

“mortgagee” includes a person entitled to a charge or lien for securing money or money's worth;

[<sup>F8</sup> “ net annual value ” means net annual value for the purposes of the Rates (Northern Ireland) Order 1977 and shall be construed in accordance with Articles 39 and 39A of that Order; ]

[<sup>F9</sup>“the Planning Order” means the Planning (Northern Ireland) Order 1991;]

[<sup>F10</sup> “ the Planning Act ” means the Planning Act (Northern Ireland) 2011; ]

“prescribed” means prescribed by regulations made by the Department;

“relevant statutory provision” in relation to land falling within any of the specified descriptions, means the statutory provision which provides for the compulsory acquisition of land as being land falling within that description;

“specified descriptions” means the descriptions specified in Article 3(1)(a) to (l);

“tenancy” includes a tenancy created or renewed in pursuance of any enactment, but does not include—

- (a) a mortgage term;
- (b) any estate arising in favour of a mortgagor solely by reason of his attorning tenant to his mortgagee;

“unaffected area” has the meaning assigned by Article 9(1).

[<sup>F11</sup> “ value ”, in relation to a hereditament, means the value which on the date of service of a blight notice, is shown in a valuation list as the net annual value (if any) or, as the case maybe the capital value (if any) of the hereditament or in relation to land certified by the Commissioner of Valuation under this paragraph means the net annual value or, as the case maybe, the capital value as it appears in such a certificate;

“ valuation list ” has the meaning assigned to it by Article 2(2) of the Rates (Northern Ireland) Order 1977; ]

- (3) Where land is on the boundary between two or more district councils, and accordingly—
  - (a) different parts of that land form the subject of single entries in the valuation lists for those districts, but
  - (b) if the whole of the land had been in one of those districts, it would have formed the subject of a single entry in [<sup>F12</sup>a valuation list] for that district,

the whole of the land shall be treated, for the purposes of the definition of “hereditament” in paragraph (2), as if it formed the subject of a single entry in [<sup>F12</sup>a valuation list], and [<sup>F13</sup> the definition of value] in that paragraph shall apply as if any reference to a value shown in [<sup>F12</sup>a valuation list] were a reference to the aggregate of the values shown as net annual values [<sup>F14</sup>or, as the case maybe, capital values] in the valuation lists in relation to the different parts of that land.

(4) Land which forms the subject of an entry in [<sup>F15</sup>a valuation list] by reason only that it is land over which any shooting, fishing and other sporting rights are exercisable, or that it is land over which a right of exhibiting advertisements is let out or reserved, shall not be taken to be a hereditament within the meaning of this Order.

(5) If any question arises as to which authority is the appropriate authority for the purpose of this Order, the question shall be determined by the Department, whose decision shall be final.

(6) If any such question as is referred to in paragraph (5) arises—

- (a) Article 4(2)(b) and (4)(b) shall apply with the substitution for the reference to a period of one year of a reference to that period extended by so long as it takes to have the question determined;
- (b) Article 12(3)(b) shall apply with the substitution for the reference to a period of six months of a reference to that period extended by so long as it takes to have the question determined;
- (c) Article 6(1) shall apply with the substitution for the reference to the date of service of a blight notice of a reference to the date on which that question is determined, if that is after the date of service.

(7) For the purposes of section 42(2) of the Northern Ireland Constitution Act 1973<sup>F16</sup> (validity of Acts of the Parliament of Northern Ireland), provisions of this Order which re-enact provisions of an Act of the Parliament of Northern Ireland shall be deemed to be provisions of such an Act.

- F1** 1954 c. 33 (NI)
- F2** 1971 c. 23 (NI)
- F3** Art. 2(2): definition of "annual value" omitted (1.4.2007) by virtue of Rates (Consequential Provisions) Order (Northern Ireland) 2007 (S.R. 2007/192), art. 2(1), **Sch. 1 para. 5(a)(i)**
- F4** 1984 c.12
- F5** 1982 NI 20
- F6** Art. 2(2): definition of "capital value" inserted (1.4.2007) by Rates (Consequential Provisions) Order (Northern Ireland) 2007 (S.R. 2007/192), art. 2(1), **Sch. 1 para. 5(a)(ii)**
- F7** Art. 2(2): words in definition of "hereditament" substituted (1.4.2007) by Rates (Consequential Provisions) Order (Northern Ireland) 2007 (S.R. 2007/192), art. 2(1), **Sch. 1 para. 5(a)(iii)**
- F8** Art. 2(2): definition of "net annual value" inserted (1.4.2007) by Rates (Consequential Provisions) Order (Northern Ireland) 2007 (S.R. 2007/192), art. 2(1), **Sch. 1 para. 5(a)(ii)**
- F9** 1991 NI 11
- F10** Words in art. 2(2) inserted (13.2.2015 for specified purposes, 1.4.2015 in so far as not already in operation) by Planning Act (Northern Ireland) 2011 (c. 25), s. 254(1)(2), **Sch. 6 para. 35** (with s. 211); S.R. 2015/49, arts. 2, 3, **Sch. 1** (with **Sch. 2**) (as amended (16.3.2016) by S.R. 2016/159, art. 2)
- F11** Art. 2(2): definitions of "value" and "valuation list" inserted (1.4.2007) by Rates (Consequential Provisions) Order (Northern Ireland) 2007 (S.R. 2007/192), art. 2(1), **Sch. 1 para. 5(a)(ii)**
- F12** Words in art. 2(3) substituted (1.4.2007) by Rates (Consequential Provisions) Order (Northern Ireland) 2007 (S.R. 2007/192), art. 2(1), **Sch. 1 para. 5(a)(iv)(aa)**
- F13** Words in art. 2(3) substituted (1.4.2007) by Rates (Consequential Provisions) Order (Northern Ireland) 2007 (S.R. 2007/192), art. 2(1), **Sch. 1 para. 5(a)(iv)(bb)**
- F14** Words in art. 2(3) inserted (1.4.2007) by Rates (Consequential Provisions) Order (Northern Ireland) 2007 (S.R. 2007/192), art. 2(1), **Sch. 1 para. 5(a)(iv)(cc)**
- F15** Words in art. 2(4) substituted (1.4.2007) by Rates (Consequential Provisions) Order (Northern Ireland) 2007 (S.R. 2007/192), art. 2(1), **Sch. 1 para. 5(a)(v)**
- F16** 1973 c. 36

**Changes to legislation:**

There are currently no known outstanding effects for the The Planning Blight (Compensation) (Northern Ireland) Order 1981, Cross Heading: Introductory.